

motion for judgment on the pleadings [D.E. 17] is DENIED, defendant's motion for judgment on the pleadings [D.E. 22] is GRANTED, the final decision by defendant is AFFIRMED, and this matter is DISMISSED. The Clerk is directed to close the case.

SO ORDERED. This 26 day of October 2009.


JAMES C. DEVER III
United States District Judge